

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	WILLIAMS <i>et al.</i>	Confirmation No.:	3229
Application No.:	10/669,258	Art Unit:	1614
Filing Date:	September 25, 2003	Examiner:	Leslie A. ROYDS
For:	TOPICAL COMPOSITIONS AND METHODS FOR TREATING PAIN	Attorney Docket No.:	10071-037-999
		CAM No.:	301717-999036

January 14, 2009

RESPONSE TO RESTRICTION AND ELECTION-OF-SPECIES REQUIREMENT

E-File

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Initially, Applicants note that a separate Request for Petition of Extension of Time to respond to the Restriction and Election-of-Species Requirement dated July 14, 2008 is being concurrently filed in the Office.

In response to the Restriction and Election-of-Species Requirement dated July 14, 2008, Applicants hereby elect, without traverse, to prosecute the claims directed to Group II, claims 24-40 and 58, drawn to a method for treating pain comprising topically administering to the skin of a mammal in need thereof an emulsion comprising an antidepressant, an NMDA receptor antagonist, a lipophilic component, water and a surfactant, as classified in class 424, subclasses 401, 443 or 449, for example.

The Examiner has also required Applicants to elect a species of: (i) an antidepressant; (ii) an NMDA receptor antagonist; (iii) a lipophilic component; and (iv) a surfactant. As required by the Examiner, Applicants hereby elect the following species:

- (i) amitriptyline as the antidepressant (as recited in claim 31, as-filed);
- (ii) ketamine as the NMDA receptor antagonist (as recited in claim 36, as-filed):